

**STIP**  
**BRIAN J. SMITH, ESQ.**  
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**brian@bjsmithcriminaldefense.com**  
**Attorney for SEHDEV**

**UNITED STATES DISTRICT COURT**

**IN AND FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
vs. )  
Plaintiff, )  
ASHOK SEHDEV, )  
JOSE LUIS MONTOYA, )  
Defendants. )  
Case No.: 2:17-mj-00683-CWH  
STIPULATION TO CONTINUE  
PRELIMINARY HEARING  
(SIXTH REQUEST)

IT IS STIPULATED between the defendant ASHOK SEHDEV through his attorney BRIAN J. SMITH, ESQ., defendant JOSE LUIS MONTOYA through his attorney THOMAS BOLEY, ESQ., and the United States of America, through CRISTINA D. SILVA, Assistant United States Attorney, that the Preliminary Hearing currently scheduled for April 16, 2018, at the hour of 4:00 p.m., be vacated and set to a date and time convenient to this court, but no earlier than sixty (60) days.

This Stipulation is entered for the following reasons:

1. There have been five previous continuances granted to the defense in this case.
  2. Defense counsel was retained on July 7, 2017.
  3. The parties will require more time to negotiate a resolution on this matter.
  4. The parties agree to the continuance.
  5. Also, denial of this request or continuance would result in a miscarriage of justice.
  6. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

1           7. This is the sixth request for a continuance of the Preliminary Hearing.  
2           DATED this 13th day of April, 2018.

3           RESPECTFULLY SUBMITTED BY:

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5           \_\_\_\_\_  
6           /s/*Cristina Silva*  
CRISTINA D. SILVA  
Assistant United States Attorney

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8           \_\_\_\_\_  
9           /s/*Brian J. Smith*  
BRIAN J. SMITH  
Attorney for SEHDEV

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11           \_\_\_\_\_  
12           /s/*Thomas Boley*  
13           THOMAS BOLEY  
14           Attorney for MONTOYA

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STIP

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**Attorney for SEHDEV**

**UNITED STATES DISTRICT COURT**

**IN AND FOR THE DISTRICT OF NEVADA**

**UNITED STATES OF AMERICA,**

1

**Plaintiff.**

**Case No.:** 2:17-mj-00683-CWH

vs.

## **STIPULATION TO CONTINUE**

**ASHOK SEHDEV, }  
PRELIMINARY HEARING }**

JOSE LUIS MONTOYA,

**(SIXTH REQUEST)**

### **Defendants.**

## **FINDINGS OF FACT**

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. The parties will require more time to negotiate a resolution on this matter.
  2. The parties agree to the continuance.

## **CONCLUSIONS OF LAW**

1. Denial of this request for continuance would deny the defendant sufficient time to be able to fairly resolve his case, taking into account the exercise of due diligence
  2. Additionally, denial of this request for continuance would result in a miscarriage of justice.
  3. The additional time requested by the stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act,

1                   18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. §  
2                   3161(h)(7)(B)(i) and (iv).

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- 6                   4. This is the sixth request for a continuance.

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9                   **ORDER**

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11                  **IT IS ORDERED** that the Preliminary Hearing currently scheduled for April 16, 2018, at  
12                  the hour of 4:00 p.m., be vacated and continued to Friday, June 15, 2018, at 4:00 p.m.

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30                  UNITED STATES MAGISTRATE JUDGE

31                  DATED: April 16, 2018